A Modest and Impartial

NARRATIVE

Of several Grievances and

Great Oppressions

That the Peaceable and most Considerable Inhabitants

OF

Their Majesties Province

OF

NEW-YORK

IN

AMERICA

Lye Under,

By the Extravagant and Arbitrary Proceedings of *Jacob Leysler* and his Accomplices.

Printed at *New-York*, and Re-printed at *London*. 1690.

THE Reader is hereby advertiſed, That the Matters contained in the following Declaration and Narration, were intended to have been preſented to the Mayor's Court in New-York, the 21th of January laſt paſt, but that the Fury and Rage of this Inſolent Man Leyſler, was grown to that height, that the day before, by his order, ſeveral Perſons of Note were violently ſeized, and divers Houſes broken open, ſo as it was not thought ſafe to proceed in ſuch Method. For which reaſon it's thought well to publiſh the ſame, for information of all into whoſe hands it may come, but more eſpecially for the benefit of our fellow Inhabitants, who are abuſed by the falſe Pretentions of this common Violater of our Laws and Liberties, as by the following Narrative will plainly appear: Wherein, the Courteous Peruſer is deſired to take notice, it hath been our great Care to relate nothing but Matters of Fact, of which we have ſubſtantial Credible Evidences.

BRITISH MUSEUM

The Narrative, &c.

OUT of the deep Senſe we have of the good Providence of Almighty God, in Their Majeſties happy Acceſſion to the Imperial Crown of *England*, &c. In the firſt place, We, in a moſt Chriſtian manner, with Hearts and Hands lifted up to Heaven, give Glory to Almighty God, for this ſo happy a Revolution, whereof it hath pleaſed the moſt High to appear the principal Author. In the next place, We cannot but declare and publiſh to the World our Hearty and Thankful Reſentments of the Noble, though hazardous Enterprize of the late Prince of *Orange*, our now moſt Dread Soveraign, King of *England*, *Scotland*, *France* and *Ireland*, Defender of the Faith, &c. the Noble Heroe of this Age, for the Proteſtant Religion, and the Preſervation of the Laws and Liberties of the Engliſh Nation unviolated, manifeſting hereby, that as in Duty bound, ſo in point of Gratitude, we can do no leſs than Dedicate our Lives and Fortunes to their Majeſties Services, with our moſt ſerious and continued Prayers for Their Majeſties long and happy Reign over us, being well ſatisfied in our ſelves, that what our Native Land ſo plentifully enjoys under Their Reign, to wit, the Laws and Liberties of the *Engliſh Nation*, we (though inhabiting a remote part of Their Dominion) ſhall ſhare with them in the common Propriety.

In conſideration whereof, in all Humble and Obedient manner, as Dutiful Subjects to Their Majeſties, and Well-wiſhers to this Their Province of *New-York*, We can do no leſs than in the preſence of God, and to the World, declare our Abhorrence and Diſlike of the Unreaſonable, Illegal and Arbitrary Proceedings of ſome Men inhabiting with us in this Their Majeſties Province, who have uſurped Authority over us.

Againſt all ſuch Proceedings of theirs, hereafter faithfully and impartially ſet down, and againſt them, as the Actors thereof, we do hereby publickly Declare and Proteſt.

Now to the end that Reaſonableneſs of this our Proteſtation may appear unto all to whoſe hands it may come, we count our ſelves obliged to give a brief Recital of the Care of our late Lieutenant Governour *Francis Nicholſon*, for the more peaceable, quiet and ſatisfactory governing this Their Majeſties Province.

To obviate all ſuſpicion of Jealouſies that might ariſe in ill-affected Turbulent Spirits, our ſaid Lieutenant Governour by and with the conſent of ſo many of the Council as here reſided, (upon the whiſpering of the late happy Change) did convene together, with the Mayor, Aldermen and Common-Council Men of the City of *New-York*, with all the Commiſſion Officers of the Militia of this City and County; at which

Convention our ſaid Lieutenant Governour propoſed to admit of part of the Train-bands of this City and County to take their turns of Watching and Warding within Their Majeſties Fort, under their own Officers; And further offered, with the advice and conſent of his Council, Civil and Military Officers, there met and aſſembled, That the Cuſtoms formerly paid by the Inhabitants of this Province, ſhould ſtill continue, only with this alteration, that whereas formerly it was expended and laid out in defraying of the Charges of the Government, and Souldiers in pay in the Garriſon, it ſhould thence forward be imployed in the fortifying and putting this City in a poſture of Defence againſt a Forreign Enemy, on which the Welfare and Safety of this Province ſo much depends.

In purſuance of the ſame, an Order iſſued forth from the ſaid Convention, ſigned by the Lieutenant Governour, his Council, the Mayor and Aldermen of this City, and moſt of the Commiſſion Officers of the Militia, none ſhowing ſo great a diſlike to it as *Jacob Leyſler*, one of the Captains of the Train-bands of this City, who at that time had a Ship loaden with Wines, the Cuſtoms whereof amounted to upwards of one hundred Pounds, the payment of this he utterly refuſed, alledging, *The Collector being a Papiſt, was not qualified to receive it, denying the then Power to be legal*; but whether for that or his own private Intereſt, let the impartial judge.

The turbulent mind of this Perſon not being ſatisfied in denying the payment of the uſual Cuſtoms, though appointed for the uſe aforeſaid, he ſets himſelf upon inventing ways how he might overturn the Government, which was then peaceable and quiet. The firſt thing he falls upon was to ſtir up and animate the People of the Eaſt end of *Long-Iſland* to advance, with ſufficient Force to take Poſſeſſion of the Fort, leſt it ſhould be in danger of being delivered up to a Forreign Power; this readily took with them, whoſe Minds were already heated by the Example of *Boſton*, in clapping up of our Governour Sir *Edmund Andros*, and after ſome Conſultations amongſt themſelves, they put forward in a Hoſtile manner, increaſing as they came along the *Iſland*, until they were ſo far advanced as the Town of *Jamaica*, being then about Eighty in Number, where they halted, and ſent up three of their principal Leaders to diſcourſe the Lieutenant Governour, who upon their coming convened his Council, the Mayor and Aldermen of this City, and the Commiſſion-Officers of the Militia of City and Countrey, into which Convention the Perſons ſent were admitted; where after ſome long debates, they ſeemingly went away ſatisfied, at leaſt ſo far as that they and the men accompanying them, returned home to their own Towns and Habitations, without doing the leaſt hurt or damage to any.

This Stratagem failing our Maſſanello *Leyſler*, in a ſhort time after a Rumour was ſpread amongſt the quiet Inhabitants of this City, of a horrible Deſign, there was of Murdering them, their Wives and Children,

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as they were Worshiping of God in the *Dutch Church* within the Fort, and the *Sunday* prefixed, when this cruel Act was to be accomplished; Captain *Leyster* in the mean time instigating and stirring up the Inhabitants to Self-preservation against this Imaginary Design, which so far prevailed with part of the Inhabitants, as that the *Friday* before the *Sunday* markt out by this Report for the pretended Massacre, they rose in a Hostile manner; the first who appeared in Arms were some under *Leyster*'s Command, who (as the Plot was laid) went to the House of their Captain, and threatned to Shoot him if he would not head them. This no ways surprized the couragious Captain; a substantial Reason why, himself being the sole contriver of it: Yet whether prevailed most, the want of Valour, or the Apprehensions, if he should miscarry in this bold Attempt, the Country would be destitute of one so fit as himself to Command, we leave to the Judicious to determine.

However it was, it seemed not good unto this Champion to venture himself, but commits the conduct of his Men unto one *Stoll*, famous for nothing, unless his not being worth a Groat; up Marches *Stoll* with his brisk Followers, and to the Fort Gates they draw near, where they met with a very civil Gentleman, one *Hendrick Cuyler*, left under Captain *Abraham Depeyster*, who commanded that part of the Train-Bands, who by turn had the Guard in the Fort that day; this Persons civility was such, that its hard to determine whether *Stoll* and his party without were more desirous to enter, than he within was ready to open the Gates to them. In fine, Entrance they had, with great Acclamations and Joy on both sides, that so Meritorious a Design was not prevented.

How far this Valiant Lieutenant *Cuyler*, in this base Act of his, hath answered the *Law of Arms*, or the Trust reposed in him, we will not now determine; but sure we are, the Season they took for accomplishing this their Unman-like Contrivance, doth not a little add to their Crime, it being at that juncture of time when our Lieutenant Governor and Conventment (whereof we have before made mention) were consulting for the more orderly, quiet and peaceable Governing this their Majesties Province, who at this sudden Change were startled, and Acted what was left in their Power, publickly protesting against this Rude Action, and the Actors thereof.

By this time their great Champion *Leyster* being well assured all danger and hazzard was over, he most Couragiously Girds on his Sword, Marches Stoutly up the Fort, in order to his carrying the Game he had so fairly begun, where he is joyfully received, and a Consultation immediately held, how they should obtain the Keys of the Fort, which the Lieutenant Governor had in Custody, being in the City Hall, where he was in Consultation, as is already hinted.

The Evening approaching, Captain *Lodwick* and his Company Advan-

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ces to the Fort to mount the Guard, as his turn was; some time after his being in the Fort, nothing would satisfie the Tumultuous Multitude, but that three or four Files of Men must be sent, under the Command of *William Churchill*, Sergeant, to Captain *Lodwick*, to fetch the Keys from the Lieutenant Governour. [A fitter Person for such a Message could not be sent than this *Churchill*, infamous for his Mutinous and Turbulent Spirit.] With much Insolence this impertinent impudent Fellow rushed into the Room where the Lieutenant Governour was, and demanded the Keys; the Lieutenant Governour commanded him to call his Captain, who was prevailed with to come, hoping thereby to appease the People, unto whom the Lieutenant Governour Delivered the Keys, and Captain *Lodwick* returning to the Fort, the expectations of the Multitude being answered, after publishing *Ja. Leyster* Colonel, all leave the Fort to Captain *Lodwick* and his Company, who stayed their usual time, and it was then agreed upon amongst the Captains, that each should take his turn to reside in the Fort as Chief, till their Majesties pleasure should be further known.

The Lieutenant Governour, his Council and Convention aforesaid, taking into their serious Considerations what danger the Moneys was in, paid by the Inhabitants of this their Majesties Province, as well for Customs as publick Taxes, which at that time was secured in the Fort. The said Convention agreed upon and ordered, the Moneys should be removed to the House of *Frederick Phillips*, one of the Council, a man of known Credit, and the most considerable for Estate in their Majesties Province.

This was concluded on the day our Usurper *Leyster*, by his Instruments, seized the Fort, being the 31*th.* day of *May* last past. But to no purpose was this Agreement of the Convention; for those who had made themselves Masters of their Majesties Fort, were resolved to command the Money too, being the Sum of *Seven Hundred Seventy Three Pounds*, which they peremptorily denied the Removal of, when demanded by the Lieutenant Governour, in pursuance of the Order aforesaid. How they have disposed of this Money, is not our present business to enquire; we leave that until the happy Arrival of a Governour Legally Commissionated from the King.

The Fort being thus in Possession of the Captains of this City, by turns, all the Violence used for several days, was, that upon the Arrival of any Vessel, great or small, a File of Musqueteers were sent on Board, the Masters and Passengers carried to the Fort, and the Letters taken from them, some whereof were open'd, and publickly read amongst the People. Never the like known in this place, under any former *English* Governour.

This is too little to satisfie the insatiable Ambition of this Grand Usurper, *Leyster*, who could not content himself with the Station Nature had fitted

fitted him for, and placed him in, but his ſoaring, aſpiring mind, aiming at that which neither his Birth nor Education had ever qualified him for, to wit, to be their Majeſties Lieutenant Governour of this Province, making no matter of Conſcience how Illegally he attained thereunto, whether by Uſurpation or otherwiſe. It being his turn to Command in Chief in their Majeſties Fort the third day of *June* paſt, he cauſed an Alarm to be Beat, that he might accompliſh his wicked Deſigns, the intent of this Hubbub being only to enſnare thoſe of the Inhabitants, who till that day had kept themſelves clear of theſe Actions

The Inhabitants unanimouſly appeared in Arms that day, to ſtop the Mouths of their Gain-ſayers, and were headed by their Colonel *Nicholas Bayard*, though many of them were ſenſible it was only a Sham-Alarm, it as afterwards proved.

They being all drawn up, on a plain before the Fort, and no appearance of an Enemy, Colonel *Bayard* gave command to that Captain whoſe turn it was to work on the Fortifications of this City, That he and his Company ſhould repair thither; and to the other Captains he gave command, that they ſhould diſmiſs their Men But this not anſwering the end of thoſe who were made privy to the deſign of *Leyſler*, they March into the Fort without their Captains, who ſtayed ſo long on the Plain, until they were told, *If they went not in, the Commonalty would pull down their Houſes, and they would be in danger of their Lives.* To prevent which they followed their Companies, (inſtead of leading them) into the Fort, where a Paper was prepared to be ſigned by every one, the Contents being, *That with their Lives and Fortunes they would defend the* Proteſtant *Religion, and keep the Fort for King* William *and Queen* Mary, *until their Majeſties further Order.*

This being done, *Leyſler* begins to think himſelf ſure of his Point. *Gabriel Munveill*, one of the Captains of the Train-Bands well conſidering the ill effects that ſuch Proceedings would produce, wiſely procures his diſcharge from the Lieutenant Governour and no more appeared amongſt them: The reſt of the Captains continued their Command, more, as we are ready to believe, to do what in them lay, to prevent Miſchief, and check the Inſolence of this proud Uſurper, whoſe immoderate deſire after Greatneſs and Dominion over his fellow-Subjects, ſo far infatuated him, as that upon all occaſions, (eſpecially if any ſtrangers preſent) he hath publickly made his boaſts, how he contrived and laid the whole Deſign, as is before related.

The next Invention of *Leyſler* was to animate and ſtir up the People to the choice of Committee-Men, upon pretence of writing a Letter to the King, in behalf of the Country, and to conſider the Reparati-

ons of the Fort, which was of abſolute neceſſity. However legal, this Company of Men Aſſembled were (who afterwards termed themſelves, *A Committee of Safety*) we leave till a fitter time to diſpute. But we cannot paſs by the Method of being choſen, which we are ſure, was altogether Illegal and Diſorderly, there being not one third part of the Inhabitants of this their Majeſties Province that condeſcended thereunto, nor was it ever intended by *Leyſter* they ſhould, leſt by that means his expectations ſhould be fruſtrated. In fine, A Company of theſe Men Elected by the far leaſt Number of the Inhabitants, coming together in the Fort, two of them indued with more honeſty, and a clearer diſcerning than the reſt, perceiving the main drift was to ſet up *Leyſter*, and make him Commander in chief, fairly and wiſely with-drew themſelves, and after the firſt time appeared no more amongſt them.

The firſt fruits of this unſafe Committee, as we have cauſe ſufficient to term them, was to make *Leyſter* Captain of the Fort, requeſting of the other Captains of the City, that they would yield him their aſſiſtance when deſired.

Now begins this Uſurpers greatneſs, which he is no ways wanting in improving (with the Aſſiſtance of his Committee-men) in all the Illegal Arbitrary Acts man in ſo ſhort time could be guilty of. His working Brain ſtands not ſtill with Commanding the Fort, nor were his deſires fully anſwered thereby: Nothing leſs than Lording and Domineering in all Cauſes (Eccleſiaſtical, Civil and Military) will ſatisfie this Man, who was, and is much a like qualified for them all.

The Laws and Liberties of the Engliſh Nation (with which we have good cauſe to judge, he is little acquainted) he thinks no Crime to Violate, not regarding the Noble Example of the late Prince of *Orange*, our now moſt renowned Soveraign King *William*, who for prevention of the Violation of our Laws and Liberties, hath ſo eminently appeared, to the end they might be preſerved in their due *Channel*.

This our proud Uſurper finding the ſweetneſs of an Arbitrary Power, agreeable with his Arbitrary Mind, deems it a fault in any, who objected the Law againſt his Illegal Proceedings. Upon all ſuch occaſions, he would angrily anſwer, *What do you talk of* LAW? *the* SWORD *moſt now Rule.* As if that which was judged ſo Hainous in our Native Land, would be deemed Meritorious in theſe parts of Their Majeſties Dominion.

Our Neighbouring Colony of *Connecticut* being full of Diſorders amongſt themſelves, albeit they had aſſumed their former Government, a general Court of that Colony ſitting, take upon them to ſend two Perſons to diſcourſe thoſe, who (by Uſurpation) had taken Poſſeſſion of their Majeſties Fort of this Province. Information being given unto

to the Mayor, Aldermen and Common-Council of this City, met and aſſembled at the Mayor's Houſe the 22d of *June* laſt paſt, that Major *Gold* and Captain *Fitz* were ſent by *Connecticut* Colony, with orders to proclaim their Highneſſes, Prince and Princeſſes of *Orange*, King and Queen of *England*, *&c.* That Board requeſted Alderman *William Merrit* to go to the Fort, where thoſe two Gentlemen were, and deſire the favour of them to come to the Mayor's Houſe, which he accordingly did, and they complyed with the Requeſt: Being come to the Mayor's Houſe, he ſignifies to them, The Information was had of their coming to this place with directions to proclaim King *William* and Queen *Mary*, and deſired they would acquaint them what Orders they had for it, that ſo they (of this City) might be ready to ſhew their forwardneſs to act in the ſame with ſuch Honour and Splendor as the occaſion required.

Major *Gold* and Captain *Fitz* anſwered, *They came upon no ſuch account, but came to the Perſons that had the Fort in Cuſtody, to diſcourſe about ſome particular Matters from their General Court; and that they did not know before they came from home but that the King had been already proclaimed here. That when they came to Town, going to the Fort, as they were ſent, they having the Proclamation about them, Mr.* Jacob Leyſler *deſired them to let him have the uſe of it to proclaim the King and Queen here.*

The Inhabitants being in Arms to this intent, by beat of the Drum the Mayor and Aldermen of this City (though not thought worthy to have any notice of it, till after they were proclaimed at the Fort) went to the City Hall to attend the Solemnity. Which being perform'd, *Leyſler* deſired the Mayor and thoſe with him, to go up to the Fort and drink the King and Queens Health, which they ſhewed their readineſs to do. No ſooner were they come into the Fort, though by invitation of *Leyſler* himſelf, but he tells them, *The People were ſo much incenſed againſt them, that it would not be ſafe for them to continue long there*, and gave them his friendly Advice to be gone. An Entertainment not unlike the Perſon that gave it.

Their Majeſties being proclaimed in this Province, and a printed Proclamation coming to the hands of the Mayor and Aldermen of this City, *That all Juſtices of the Peace, and Sheriffs ſhould continue till further order, except* Papiſts; they cauſed the ſame publickly to be read, requiring the Inhabitants to take notice thereof accordingly. This madded our proud Uſurper, being averſe to nothing more than a Civil Government, which he knew muſt needs curb and be a check to his Inſolency.

Therefore to prevent this he gives his malicious Spirit the full ſwing, and endeavours afreſh to inflame the common People, by branding of thoſe who were in Commiſſion of the Peace with being *Popiſhly affected*, for no other reaſon than that they would not joyn with him in violating

all our Laws and Liberties. His envious malicious Mind could not have vented it ſelf in a more pernicious Falſhood than this; for upon due Examination it will be found, that not one *Papiſt*, or *Popiſhly affected*, throughout this their Majeſties Province, were in *Commiſſion of the Peace*, and that many whom he hath thus wickedly Scandalized, have always been of far greater Reputation, both in Church and State, than himſelf.

The Malice of this mans Spirit hath been ſo general againſt all that would not ſay as he did, that the *Dutch Miniſters* of the Reformed Churches within this Province, have not eſcaped the Laſh of his inveterate Tongue. Nor hath his Endeavours been wanting to create the ſame Diſorders and Confuſion in Church as he hath already done in Government.

How far what is already related, evinceth this Uſurper *Leyſter* to be an Enemy to and Infringer of the Laws and Liberties of the *Engliſh Nation*, we leave to the Judgment of the Impartial. Yet, leſt all that he had hitherto acted were not ſufficient to declare his Averſeneſs to the Laws and Liberties of the Free-born Subjects of *England*, he further proceeds to Action. And

On the 25th day of *June* laſt-paſt, going into the Cuſtom-Houſe, where was preſent Commiſſioners appointed by the Lieutenant Governours, Council, Mayor, Aldermen and Common-Council of this City, Mr. *Paulus Richards*, Mr. *John Haynes*, and Mr. *Thomas Wenham*, Merchants of this City, who were authorized by the Convention aforeſaid, to receive the uſual Cuſtoms paid by the Inhabitants of this their Majeſties Province, and the ſame to keep, until orders came from their Majeſties. The reaſon why this Convention took upon them to authorize the Gentlemen before mentioned, was the particular Recommendation of the Lieutenant Governour, conſidering the Circumſtances of *Matthew Plowman*, Collector, and that he was not qualified, as their Majeſties Proclamation, bearing date the 14*th* of *February*, 1688. directeth.

This Violator of our laws and Liberties, going into the Cuſtom-houſe, as is above hinted, abuſes the Gentlemen then preſent with ſcurrilous Language, peremptorily demanding of them, *By what Authority they ſate there?* To whom they modeſtly replyed, *That when he ſatisfied them what Power he had to examine them, they would return him anſwer, but in the mean time deſired him to go out of the Cuſtom-Houſe, where then he had no buſineſs.*

In a little ſpace after, this Uſurper comes the ſecond time, with his POWER, which was neither the Laws of *England*, nor this Province, nor yet a legal Commiſſion, but a Company of men with SWORDS and GUNS, (according to his uſual Maxim, *The SWORD muſt Rule, and not the LAWS*) and by force of Arms turns them out of the Cuſtom-Houſe.

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In which violent Action of this Uſurper, Colonel *Bayard* narrowly eſcaped with his Life, who hath wiſely, ever ſince, abſented himſelf, leſt by the Inſtigation of this malicious Man he might be murdered unawares.

The next Exploit this Violent *Leyſter* falls upon, is to fulfil a Promiſe he was heard to make in the beginning of our Troubles, *That in two Months Time he would do all the* Engliſh *Rogues buſineſs for them, ſo that Two of them ſhould not be ſeen to walk together.* In purſuance whereof, on the 14*th* day of *Auguſt*, he ſends ſeveral armed Men, with no other Warrant than their SWORDS and GUNS, to the Houſe of Mr. *Thomas Clark*, a Merchant in this City, who at that time was under ſome Indiſpoſition of Body, which they no ways regarded, nor the Intreaty of his Wife, (then big with Child) who begged of them not to be ſo Rude, his Children being frighted. They replyed, *They mattered it not, if they were all killed*; And in a violent manner they carried this Free-born Subject of *England*, and Free-man, to the Fort, where *Leyſter* lays to his charge a Paper delivered by him unto the Committee, but principally that he ſhould ſay, *The next time the* Drum *beat an Alarm, he could raiſe four hundred men.* For no other reaſon is this Free-born Subject of *England* confined a cloſe Priſoner in the Fort, without any Warrant of Commitment, wherein the cauſe of his Confinement ought plainly, and eſpecially to be ſet down, as the Law directs; neither was there any due Proceſs of Law againſt this their Majeſties Subject, thus arbitrarily debarr'd of the Liberty of his Perſon. By which, this Uſurper hath made the greateſt Breach and Inrode upon the Laws and Liberties of the *Engliſh Nation*, that was poſſible for him to do, as the Gentlemen learned in the Law; both by Study and Practice, have ſufficiently demonſtrated by ſound and ſolid Arguments, *That the Violation of a Man's Perſon is a Crime of a deeper Dye, and higher Nature, than that of his Eſtate, foraſmuch as nothing in the World is ſo near and dear to a man as the Liberty of his Perſon.* This villanous Uſurper *Leyſter* not regarding the great care and pains of the Supream Powers of *England*, met and aſſembled in Parliament, for theſe many years paſt, to preſerve the Subjects Liberties unviolated, and to that end, how many excellent Acts have paſſed, which are as ſo many Walls and Bulwarks againſt all Arbitrary Uſurpers, who though for a time may flouriſh, and meet with Applauſe by their deluded Followers, it's not probable can terminate in any thing leſs than utter Confuſion and Deſtruction to themſelves, and Shame and Ignominy to their beguiled Abettors, only made uſe of as ſo many Tools for the better accompliſhing their own wicked Ends, who then are to be laid aſide, and new Favorites taken in.

Nothing ſeems ſo conſentaneous to this abuſer of our Freedom and Liberties, as the *French* Kings Maxim [*Sic Jubeo ſic volo*] who by Birth,

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we are ready to believe, may claim the greateſt ſhare in him, or at leaſt, by his Actions, he equally ſcorning, with that proud Tyrant, to give any other Reaſon for his Arbitrary Actions than his own unlimited Will and Pleaſure.

The many Abuſes particular Perſons have met withal, by having their Goods taken from them, without either Warrant or legal Proofs, would be too tedious here to inſert. Upon all ſuch Occaſions, the Actors being demanded, *By what Warrant they committed this Violence?* they would uſually anſwer, (clapping their Hands upon their Swords) *Here is our Warrant.*

The keen edge of this Mans Malice could not be taken off by his Cruelty to one of them, whoſe Ruin he had before avowed, but he goeth on to fulfil his wicked Promiſe. And,

On the 16th day of *Auguſt* paſt cauſeth another Alarm, to that end and purpoſe, as ſome of his own party were heard to ſay, ſome days before it happened, *That ſhortly there would be an Alarm, in order to the taking hold and ſecuring ſome not well affected to their Actions*, which were ſuch as this Violent *Leyſler* intended as the Subjects of his unbridled Envy. And accordingly in a violent manner, by force of Arms, theſe following Perſons were dragged to the Fort, to wit, Mr. *William Merrit*, Mr. *Jacob Dekey*, Mr. *Brandt Schuyler*, Mr. *Philip French*, and Mr. *Robert Allſon*, Merchants, and conſiderable Traders in this City and Province, Mr. *John Merrit*, Son to Mr. *William Merrit*, Mr. *Edward Buckmaſter*, Mr. *Derrick Vanderburgh*, who were committed the ſame Night of the Alarm, without either Warrant or legal Proceſs.

The next day Captain *John Tuder* meeting with the couragious Lieutenant *Cuyler*, upon ſome words between them, was in like manner dragged to the Fort, as his fellow Citizens were the Night before.

Mr. *Thomas Clark*, after ſome days Impriſonment, was brought to that weak condition, that he was more like to die than live, and was carried home in a Sedan, by order of his Goaler, *Leyſler*.

Alſo, Mr. *John Merrit*, after twenty four Hours Confinement, himſelf being ill, his Wife much indiſpoſed, and his only Son lying on its Death bed, had his Liberty.

Alderman *William Merrit*, the Grandfather of this Child, greatly deſiring to ſee it before dead, made application to his cruel Goaler, *Leyſler*, for leave to viſit the Child, offering any Security he ſhould demand for his return thither; or if he pleaſed to ſend a Guard of his Souldiers with him, he would ſatisfie them for their trouble; but nothing could prevail with this Barbarous Man, who reſolved to keep the ſaid *Merrit*, with the others before named, during his own will and pleaſure, cloſe Priſoners in the Fort, which continued for the ſpace of Twenty One Days, and

then

then were ſet at liberty, as yet being Strangers to their Crimes that deſerved ſo ſevere Puniſhment.

On the twenty fifth of *Auguſt* comes to this place one Mr. *Jacob Milborne* from *England*, as he gave out; we are obliged to mention his Name, by reaſon of the great part he acts in our future Troubles. This Man's affected ambiguous way of expreſſing himſelf, renders him unfit for the Converſation of any but the Vulgar, who in this Age are ſo apt and ready to admire and applaud that they underſtand not. This Perſons decayed Fortunes were ſuch, that not unlike a Man ready to be drowned, letting go a ſure hold, catches at a Twig; ſo he in like manner relinquiſheth his old Acquaintance and Friends, and joins with our Uſurpers, whom he revives, by telling them, *That in the middle of* May *laſt, he was in* England, *where all things were ſettled, by the common Voice of the People, in peace, under King* William, *who was an Elective King, and had ſubmitted his Regal Power wholly to the People, ſo that it was now become a Maxim,* Vox Populi eſt Vox Dei, *and the King was only a Servant to his Subjects.* By this our Uſurpers were encouraged in their old manner of Reaſoning, when objected againſt their Illegal Proceedings, *What Law or Warrant they had to back them in their Actions?* They would always reply, *By what Law, Warrant or Commiſſion did the Prince of* Orange *go into* England, *and act as he hath done? And how do you think King* William *can take that amiſs in us, who have only followed his Example?* The very rehearſing of this Diſloyal Compariſon, is ſufficient to cauſe an Abhorrence and Deteſtation in every Loyal Subject.

The next Fruits of this *Milbornes* News, is, that the *Committee of Safety*, as they termed themſelves, take upon them to give forth an Order to the Inhabitants of this their Majeſties Province, ſignifying: *That whereas ſeveral of the Inhabitants had already turned out their old Officers, they ſhould proceed in Election of Civil and Military Officers in the ſeveral Counties of this Province.* Some Counties accordingly did, by the appearance of ſmall Numbers, turn out the old Juſtices of the Peace and Military Officers, and choſe new. A Method formerly never allowed of, under any of our Kings Reigns, it being always granted to be the undoubted Prerogative of the King to Commiſſionate his Juſtices of the Peace, and Military Officers. However, when we are better ſatisfied that it hath been his Majeſties gracious Will and Pleaſure to ſeparate this Branch of his Prerogative and beſtow it on the People, we ſhall readily ſhew our Thankful Reception; but till then, we think it the Duty of all Loyal Subjects, not to appear in ſuch Elections.

The 29th. day of *September* being the time appointed for the choice of Aldermen and Common Council-Men, in a Charter of Priviledges, granted to this City by Colonel *Thomas Dungan*, when Governour of this Province;

Province; accordingly the Inhabitants met in the ſeveral Wards, and choſe as uſually, no Ward being attended with ſo much Diſorder in their Election as that whereunto Captain *Leyſter* belonged; who, it's evident, reſolved right or wrong to have his Son-in Law, *Robert Walters*, to be returned Alderman for that Ward: The Method he took for doing it, was thus; Coming into the place where the Inhabitants were Aſſembled, in order to their Choice, he finding the Vote was like to be carried againſt his Son *Walters*, in the firſt place he objected againſt Captain *Anthony Brockholſt*'s Vote, a conſiderable Free-holder of that Ward, his being a *Papiſt*; and afterward ſays, *I Vote for my Son* Walters, *my Son* Jacob *Votes for his Brother* Walters, *and my Son* Walters *Votes for himſelf, that's three, put them down*: By this means was his Son *Walter* returned for that Ward.

The uſual day of publiſhing the Mayor, Sheriff, Town Clerk Aldermen and Common-Council of this City for the ſucceeding Year, was on the 14*th*. day of *October*, the Birth day of the late King *James*, in the mean time comes forth an Order from the Committee, impowering all the *Proteſtant* Free-holders of this County, on the day of *October* to elect Mayor, Sheriff and Town Clerk at which Election, the far greateſt Number of the Inhabitants not appearing, (well knowing, that by the expreſs words of the Charter, that Power was Solely reſerved in the Governour's breaſt, to appoint theſe three Officers) the leaſt Number of the Inhabitants, in purſuance of the Order aforeſaid, met and Aſſembled together, and by Majority of Voices choſe one *Peter De Lanoy* Mayor, *Johannes Johnſon* Sheriff, and *Abraham Governour* Town-Clerk, againſt which Perſons we object not ſo much, as the Method of their being choſen; neither ſhall we be offended, if it ſhall pleaſe his Majeſty to add unto our former Priviledges this likewiſe: The Gentlemen named being thus choſen, were publiſhed on the cuſtomary day.

By this time Mr. *Milborne* recovers of a fit of Sickneſs, that had hitherto rendred him incapable of acting any thing elſe but affording his Chamber Advice, which upon all occaſions was conſulted by our Uſurper *Leyſter*; now being reſtored in great meaſure, to his former Health, he vigorouſly joining with this Uſurper and his unſafe Committee, a notable piece of Service is immediately aſſign'd him by them, which was to go up to *Eſopus* and *Albany*, in order to the bringing thoſe Counties into the ſame Condition and Diſorders as they had done this and the Neighbouring Counties near adjacent. In purſuance hereof, he goes on board a Sloop, and Sails forward to *Albany*, with fifty Men, who had liſted themſelves as Voluntiers, to aſſiſt that place, if occaſion were, againſt the *French*; upon his arrival there, by the great care, conduct and prudence

of *Peter Skuyler*, Mayor of that City, aſſiſted by the Recorder, Aldermen, Common-Council and Military Officers, the deſigned purpoſes of this dark Politician were happily fruſtrated, ſo that he returns back to this place under ſome Diſappointment.

The Eighth day of *December* arrives *per via Roſton*, one *Riggs*, with two Pacquets from his Majeſty, King *William*, whereby we hoped to have had deliverance from the Uſurpation, Slavery and Cruelties of *Leyſler*; but our Expectations were ſoon at an end, the Superſcription of the Pacquets being thus,

To Our Truſty and Well-beloved Francis Nicholſon, *Eſquire, Our Lieutenant Governour of Our Province of* New-York *in* America; *or in his Abſence, to ſuch as for the time being take care to keep the Peace and adminiſter the Laws of Our ſaid Province.*

This Infringer of our Laws and Liberties, *Leyſler*, peremptorily aſſumes the Pacquets to himſelf, ſaying, *He was the Man to whom they were directed in the Lieutenant Governours abſence.* But upon what pretence he deems himſelf the Perſon, except it be for his Breach of the Peace, and Obſtructing the due courſe of Law ever ſince he hath poſſeſſed himſelf of the Fort, Arbitrarily and Illegally ruling by the Sword, is ſufficiently evidenced to the *Unbyaſſed Reader*, by the fore-going Lines.

Frederick Phillips and *Stephanus Van Cortland*, both of the Council, and left in Truſt by the Lieutenant Governour for the keeping of the Peace, and legally Governing of this Their Majeſties Province, which they carefully and honeſtly would have diſcharged the Truſt repoſed in them, if they had not been prevented by this Violater of our Laws and Liberties, and that with more Renown and Reputation to Their Majeſties, as well as the better Satisfaction of their Leige People inhabiting this Their Majeſties Province.

The two Gentlemen of the Council before-named, being ſent for to the Fort, by the requeſt of Mr. *John Riggs*, (the Pacquets being by him, at that time not delivered) they ſignified to *Leyſler*, and thoſe preſent with him, *That they were ready to obſerve ſuch Orders as His Majeſty had given in His Pacquets to his Lieutenant Governour, then abſent, from whom they, together with Colonel* Bayard, *had Inſtructions to keep the Peace, and adminiſter the Law of this Government, which they always were ready to have fulfilled, if had not been Obſtructed.*

At this our Uſurper Rages, and vents his Paſſion in his uſual *Billingſgate Rhetorick*, calling them, *Popiſhly affected Dogs and Rogues*, and bids them *immediately go out of the Fort, for they had no buſineſs there.* A ſtrange Entertainment to them, who for theſe many Years paſt have always, as Councillors, officiated under the ſeveral Governours of this Their Majeſties Province, and at that time were thoſe who were left in Truſt by

Their Majeſties Lieutenant Governour. However, ſeeing there was no Remedy but Patience, (this Violent Uſurper reſolving ſtill to govern by the SWORD) they quietly went to their Own Homes.

Their Majeſties Pacquets being thus aſſumed by our Uſurper, he immediately abuſeth his deceived Abettors, by affirming to them, *He had received a Commiſſion to be their Majeſties Lieutenant Governour, and that all their Actions were well approved of.* This readily gained Credence with the Vulgar, who are too apt and willing to be beguiled by their Popular Leader. From this time forward he aſſumes the Title of *Lieutenant Governour*, and according to the Inſtructions given in the Pacquets, he ſwears ſome, who were of his Committee of Safety before, to be Councillors now, as alſo ſome few more of the Inhabitants, much alike unto theſe Perſons, neither of the higheſt Rank nor Reputation, but ſuch as our Uſurper was well aſſured were for his turn. This being done they proceed to Action.

NB. On the 16th day of *December* an Order comes forth, Entituled, *By the Lieutenant Governour and his Council*, ſigned underneath, *Jacob Leyſler.*

The Contents as followeth.

By the Lieutenant Governour, &c. *and Council.*

WHereas there is an Act of Aſſembly, dated One Thouſand Six Hundred Eighty Three, Entituled, A continued Bill for defraying of requiſite Charges of the Government, and many of the Inhabitants of this Province, notwithſtanding they have ſubſcribed to comply with the ſame, have diſputed it, when required thereunto.

Theſe are therefore to give Notice unto all Perſons within this Province, that the Cuſtoms and Exciſe ſettled by the ſaid Act, hath and doth ſtill remain Good, and of full Force, and that the Collectors and Receivers thereof, are impower'd to do their Duty therein; All Perſons being hereby ſtrictly required to obey the ſame, as they will anſwer the contrary at their Peril. Given under my Hand at Fort William, *this Sixteenth day of* December, 1689.

Jacob Leyſler.

This

This Order of the pretended Lieutenant Governour and Council, being ſet up in all the Publick Places of this City, did not a little Alarm the conſiderate Inhabitants, who thereby clearly ſaw the willingneſs of this Uſurper and his Abettors, to enſlave them and their Poſterity, ſo that he might command their Purſes. A ſtrange Change in a little time! For this *Leyſter* in the beginning of our Troubles, was the firſt man that diſputed the payment of the Cuſtoms, conſulting with ſeveral of the Inhabitants, how thoſe Arbitrary Impoſitions might be pulled down. Further, how contrary this Order of our Uſurper, and Abettors, is to their own ſo often repeated Maxim, [*That whatſoever was acted by a* Papiſt *Governour, or under his Authority, was* ipſo facto *null and void, and of no effect in Law.*] If there yet remain any Candour or Ingenuity in this violent Man and his Abettors, it will be more honourable for them publickly to Recant ſo plain an Error, than ſtill to perſiſt in it; for we pray of the *Unbyaſſed Reader*, what elſe is the intent, purport and meaning of this Order, but to enforce a Law made by a *Papiſt Governour*, and *under his Authority*, which, by their own Argument, is void in it ſelf. So that they muſt either own, this their dark unintelligible Oracle, hath much deceived them in this point of his Politicks, or it's evident to the World, they have aſſumed upon themſelves a Power to *levy Taxes, Cuſtoms and Benevolences*, upon the Inhabitants of this Their Majeſties Province, without and contrary to their own conſent, notwithſtanding the many wholſom Laws that have paſſed, under the ſeveral Kings Reigns in the Realm of *England*, made for the preſervation of the ſame; as alſo contrary to a particular Branch of that Act which their Order hath reference unto, that in expreſs words ſays thus, *That no Aid, Tax, Tallage, Aſſeſſment, Cuſtom, Loan, Benevolence or Impoſition whatſoever, ſhall be laid, aſſeſſed, impoſed or levied on any His Majeſties Subjects within this Province, or their Eſtates, upon any manner or colour of Pretence, but by the Act and Conſent of the Governour, Council and Repreſentatives of the People in General Aſſembly met and aſſembled.*

Now to the end we may further make out to the World the Unreaſonableneſs as well as the Illegality of this, we cannot omit to advertiſe the *Impartial Reader*, That in the Year 1683. arrived to this Province Colonel *Thomas Dongan*; appointed his Majeſties Governour under his Royal Highneſs the *Duke of York*, the Lord Proprietor of this Province, who in a ſhort time after his arrival here, according to particular Inſtructions given him by his ſaid Royal Highneſs, did iſſue forth Writs to the ſeveral Counties within this Province, for the Electing of Members to ſerve in General Aſſembly, which accordingly was done, and the ſame were convened, and begun their firſt Seſſion on the day of

 October,

October, and the first Act that past this Sessions, was that their Order refers to, wherein our Representatives wisely provided against the critick Lawyers of this Age, who too nicely distinguish betwixt the Kings Subjects inhabiting within the Realm of *England*, and those inhabiting his Dominions abroad, denying the Latter the Priviledges confessed to be the undoubted Birth-Right of the former, upon which our said Representatives, prudently in the first part of that Act endeavour to secure unto themselves and Posterities what was the Birth-Right of every Free-born Subject of *England*. This being done, they continue this Act for the defraying of the necessary Charges of this Government, which begins thus,

The Representatives of his Royal Highness's Province of New-York, *convened in General Assembly, Have, for and in consideration of the many Gracious and Royal Favours expressed and extended to the Inhabitants of this His Province; and also for the bountiful Confirming and Reserving to them and their Posterity, the Rights and Priviledges, Liberties and Immunities before recited and expressed, and for the better defraying of the necessary Charges and Expence of this Province.*

How far this Act is binding upon the Inhabitants of this Province, will further appear, by duly considering another Clause of this very Act, which runs thus,

That all Bills agreed upon by the said Representatives, or the major part of them, shall be presented unto the Governour and his Council, for their Approbation and Consent; all and every which said Bills, so approved of and consented to by the Governour and Council, shall be esteemed and accounted the Laws of this Province; which said Laws shall continue and remain in force until they be repealed by the Authority aforesaid, that is to say, the Governour, Council and Representatives in General Assembly, by and with the approbation of his Royal Highness, or expire by their own Limitations.

Now that this Act of the Assembly, in a strict sense, cannot be allowed to be a Law of this Province, and so not binding upon its Inhabitants, We Humbly offer these Reasons.

First, For that by the Authority aforesaid, this Act never was assented unto, the approbation of his Royal Highness being always wanting, who was so far afterwards from approving of it, that he utterly disallowed the same, and that first by a Letter to his Governour, Colonel *Thomas Dongan*, and afterwards coming to the Imperial Crown of *England*, he publickly disallowed that Act, by sending over a Commission, under the Broad Seal of *England*, to the said Colonel *Dongan*, to be Captain-General

neral of this Province, and with ſeven Councillors to govern the Inhabitants thereof, any five of which Councillors made a Quoram, and the Majority of that five, with the Captain General, were impowered to make all Laws. A Method contrary to what the afore-recited Acts preſcribe.

Secondly, Our ſecond Reaſon why this Act is no ways binding on the Inhabitants of this Province, is, That the Cuſtoms, Impoſitions and Exciſes granted unto His then Royal Highneſs, his Heirs and Succeſſors, in the ſaid Act, were given in Conſideration of his ſaid Royal Highneſs Confirming to the Inhabitants the Charter Priviledges, making up the firſt part of the ſaid Act, which never was enjoyed by the Inhabitants, nor confirmed to them, but the contrary, as is proved.

Thirdly, For that hitherto we are ignorant of any Law, either made within the Realm of *England*, or this their Majeſties Province, by which the Inhabitants thereof are obliged to pay unto His Majeſty the Cuſtom and Exciſe ſet down in the before recited pretended Act of Aſſembly: When any ſuch Law is produced, thoſe of us who have ſigned to pay unto King *William* the Cuſtoms due unto him, when Legally demanded, ſhall readily comply; but until that be done, we cannot ſee thoſe Notes, given by ſeveral of us for peace and quietneſs ſake (importing no more than what is above written) are any ways Obligatory. However, when it ſhall pleaſe Almighty God, a Governour Arrives to this Province from King *William*, we are ready to ſubmit this Point, as well as all other Abuſes and Irregularities done unto us, then to be decided in a Legal way and manner. To a Governour, ſo Arriving, we ſhall not be backward to aſſiſt, either with our Perſons, or Eſtates, for the more orderly and peaceable governing this Province, and defraying the publi k Charges thereof, in ſuch a way and manner as ſhall be Legally agreed on.

On the 23*d.* of *December*, about Seven or Eight a Clock in the Evening, *Jacob Dekey*, Junior, Son to *Jacob Dekey*, already mentioned, with *Cornelius Depeyſter*, Son to the Widdow *Cornelio*, both Lads, were violently carried away to the Fort by Force of Arms, without *Mittimus* or Legal Proceſs, Alledging, They had defaced and Torn down the Order of the pretended Lieutenant Governour and his Council, which upon a due Examination will evidently appear, was ſtanding ſeveral hours after their Commitment. How Sollicitous this Cruel Uſurper is to vent the Fury of his Rage againſt both Young and Old, is evident to all, by the Illegal Confinement of theſe two Lads, for no other cauſe but his own Arbitrary Will and Pleaſure.

The ſame Night an *Indian Slave* belonging to *Philip French* was dragged to the Fort, and there Impriſoned.

The

The next day Mr. *French* falling in amongſt ſome of *Leyſler's* Crew, reſented the Injury done unto him, by the Illegal detaining of his Slave ſo highly, that ſome of the ſtanders-by immediately went and informed againſt him, ſo as that in a ſhort time after, as the ſaid *French* was walking in the publick Streets of this City, about his lawful Affairs, *John Burger*, Sergeant to this Uſurper *Leyſler*, attended with ſix Muſqueteers, lays violent hands on him, and tells him, he was his Priſoner, and to to the Fort he muſt go. Mr. *French* replyed. Not unleſs you carry me, which accordingly they did, in the nature of a Dead Corps, though living, where he ſoon meets with the Entertainment of a cloſe Impriſonment.

Some hours after the Commitment of this his Majeſties Subject, by his own particular requeſt, Captain *John Tuder* and Mr. *James Emet*, both allowed Attorneys of this Province, made application to his Goaler *Leyſler* for a Copy of his *Mittimus*, in order to their taking ſuch care for their Clients enlargement, as the Law allowed of, and directed unto. All the anſwer they obtained at that time, was, *That he could do nothing without Adviſing with his Council, and they ſhould meet in the Evening, when they might re-attend.* This they carefully did, though to little purpoſe; for they were denied Entrance into the Fort that Evening ſeveral times; nor could they be admitted to ſpeak with their Client, ſo that near twenty four hours were expired e're this Uſurper ſaw cauſe to deliver the following Papers, which for the Readers ſatisfaction, we ſhall here recite *Verbatim.*

Fort-William, December 24. Anno 1689.

WHereas Complaint is made to me, That Mr. Philip French *hath, in a moſt Inſolent manner, contemned this Government, threatning to Tare off (if it had not been already done) the Proclamation for continuing his Majeſties Cuſtoms and Exciſe, according to an Act of Aſſembly,* &c. *although it was forbid all Perſons at their Peril.*

Theſe are in His Majeſty King William's *Name to will and require you to bring the ſaid* French *before me and Council, to Anſwer for the ſame.*

Given under my Hand and Seal the Date aboveſaid.

To Sergeant John Burger,
and his Aſſiſtants.

Jacob Leyſler.

At

At a Council held in New-York *the 24th. of* December, *Anno* 1689.

Present, Lieutenant Governour, Samuel Edſall, Thomas Williams, Hendrick Janſe, Maſ. Cuyler, Benjamin Blagg, John Van Couſoenkeven, *Alderman.*

Whereas Philip French *hath behaved himſelf very Contemptuouſly againſt the Lieutenant Governour and Council, as by Evidence taken before him, doth appear, and continueth in the ſame, being examined before them.*

Ordered, That the ſaid French *be forth-with committed to ſafe Cuſtody within* Fort-William, *till further Conſultation in this matter.*

A True Copy, Examined by
Jacob Milborne, *Secretary.*

Now whether the Reaſon of this Uſurper's deferring the Delivery of the Warrant and Order of Council, above tranſcribed, may not rationally be conſtrued, as ſome do, that the Warrant directed to Sergeant *John Burger* and his Aſſiſtants was written ſeveral hours after Mr. *French's* being cloſe Priſoner, or not, is a queſtion we ſhall not now inſiſt on.

The Warrant and Order of Council, above written, coming to the Hands of the before-named Attorneys, on the behalf of their Client, they apply themſelves afreſh to the pretended Lieutenant Governour and Council ſitting on *Chriſtmas Day* in the Evening, to whom they ſignified, That having peruſed the Warrant and Order of Council, by which Mr. *Philip French* was committed cloſe Priſoner within the Fort, they found nothing contained in either, but what, according to the known Laws of *England*, as well as this Province, was Bailable, and for that end & purpoſe they appeared before them, on the behalf of their Client, to offer Bail to the Value of Twenty Thouſand Pounds, if deſired, for his appearance in any Court of Record within this County, there to abide ſuch Determination, as by Legal Proceſs ſhould be made againſt him, for or by reaſon of the charge Alledged againſt him in the aforeſaid Warrant and Order of Council.

All

All the Arguments uſed by theſe Gentlemen of the Law, no ways prevailed with this cruel *Leyſter*, and his Nominal Council, whom he is making uſe of, as his Tools, for the better Cloaking of his own Arbitrary Illegal Actions and Intentions. It ſeems as if this Uſurper was of the ſame Opinion with ſome Souldiers in *Plutarchs* time, who wondered *any would be ſo importunate to Preach Laws and Moral Reaſons to Men with SWORDS by their ſides*; as if Arms knew not how to deſcend to Rational Inquiries. All the Satisfaction given to this ſo lawful demand of Bail on the Priſoners behalf, was only ſome ſmall diverſion. Our late Upſtart States-Man, Mr. *Milborne*, (now advanced to the Secretaries Office by his New-made Lieutenant Governour) was pleaſed to afford them, by dropping now and then his wonted obſcure Sentences, asking the Priſoner's Counſel, *Whether they would ſubmit the Determination of their Client's Cauſe to the Lieutenant Governour and Council?* Who thereupon modeſtly enquired, in what Capacity they ſate there, whether Military or Civil? Anſwer was made by *Milborne*, *Both.* The Uncertainty of this Reply, as well as its Unreaſonableneſs, yielded freſh matter to argue upon; all which centred here, that our dark Politician demanded, *How they would help themſelves, or by what means they would be relieved?* To whom it might have been fitly replyed, *In the ſame way and manner as you, not many Years paſt, recovered Forty five Pounds by a Legal Courſe, againſt Sir* Edmund Andros, *for Nine Hours falſe Impriſonment.* For notwithſtanding the many endeavours uſed by our Uſurper to quaſh the various Reports coming to us, many ways, of a Governour haſtning from His Majeſty for this Province, we are not diſcouraged in our Expectations of, and well-wiſhing for his ſafe Arrival, and then we doubt not but to ſee ſome of our Uſurpers receive the juſt Demerits of their Illegal Arbitrary Doings.

The 4*th* of *January* Captain *John Tuder*, by particular Warrant from Mr. *Philip French*, applied himſelf to the Mayor of this City with the Kings Writ of *Habeas Corpus*, returnable to the next Mayor's Court, which was the 7*th*. of the ſame Month: This Writ ſo Signed by the Mayor, was ſafely conveyed to Mr. *French*, and by him delivered to his Keeper, who forthwith acquainted the head Goaler, *Leyſter* therewith, who immediately ordered the Windows where the ſaid *French* was confined, to be Nailed up, and that a more ſtrict Watch ſhould be kept over him, as if the Cruelties already exerciſed towards this Free-Born Subject of *England*, were not ſufficient, who hitherto hath been denyed the Acceſs of his Friends and Acquaintance; no, not ſo much as his Counſellers at Law admitted to come near him. A Uſage more Cruel and Barbarous than the moſt Notorious Fellon, Traytor or Rebel commonly meet withal.

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The 7th. of *January* being come, and the Mayor's Court ſitting, Mr. *John Tuder* diligently attended it, expecting to have met his Client there, by vertue of the aforeſaid Writ, waiting a conſiderable time, and no appearance of Mr. *French*, he informed that Court, That the Mayor was pleaſed on the 4th. Inſtant to ſign his Majeſties Writ of *Habeas Corpus* for the bringing the Body of the ſaid Mr. *French* together with the Cauſe of his Commitment before that Court, where he was ready to argue on the behalf of his Client the matter of Law that might ariſe; but ſeeing he was diſappointed, by the aforeſaid Writ being diſobeyed, he ſhould take upon him to open to the Court the Nature of the ſaid Writ, which (ſaid he) *is a Writ granted in the Subjects favour, to prevent the Illegal detainure of any of the King's Subjects falſly Impriſoned. So that a Violation of this kind, was a Crime of the deepeſt Dye, and every Subject was nearly concerned therein*, none knowing whoſe turn it might be next to have their Liberties ſubjected to the Arbitrary Will and Pleaſure of this Man, [*Leyſter.*]

Alſo, to the Bench he directed himſelf in this manner, *You who are the Mayor and Aldermen, for the time being, of this City, and ſo conſequently the Patrons thereof, it behoves you to take care, the Ancient Liberties and Freedoms of this City be not infringed, and that its Inhabitants be not in this manner dragg'd, by a Marſhal Force, to the Fort, and there kept cloſe Priſoners.*

Our Uſurper's Oracle, *Milborne*, being preſent in the Court, after a long continued Silence, Learnedly expreſſeth himſelf thus; *I do affirm to this Court, That Mr.* French *is none of the King's Subjects*, without giving any further Reaſons. At which the ſtanders by hiſſed, and ſome publickly charged him with being the principal Author of our preſent Troubles.

On the 12th of *January* certain Advice coming to this place of a Ship deſigned to this Port, whereof one *Prents* was Maſter, being ſtruck on ſome Rocks near *New-London*, and Mr. *French* being chiefly concerned in the Loading, was forced to ſubmit to this Proud Uſurper, and to Petition him by the Title of *Lieutenant-Governour*, who had before menaced him, *if he would not give the Title of Lieutenant-Governour, he would put him where HE SHOULD NEVER SEE THE FACE OF MAN MORE.* To prevent which, and the exigency of his Affairs at that time, he gratified the Ambitious Humor of this man, *Leyſter*, and thereby obtained his Liberty, upon his and Mr. *Thomas Winham's* entring into a Recognizance of Five Hundred Pounds to the King, for the ſaid *French* his good Behaviour during Twelve Months and a Day from the date thereof.

To return again to our Account of the two Lads firſt impriſoned. *Cornelius Depeyſter*, by the humble Petition of his Mother, was ſet at Liberty. *Jacob Dekey* is ſtill under Confinement, albeit his Enlargment has

been much endeavoured by his Master, Mr. *John Barbary*, a considerable Merchant in this City, who went to his Goaler, *Leyster*, and offered Two Thousand Pounds Security for his mans appearance to answer a legal Process against him; to which end and purpose a Copy of his *Mittimus* hath divers times been demanded, but could not be obtained, nor no Bail would be taken; Nothing will serve this proud Usurper, *Leyster*, nor release this Lad, but his Parents sending in a Petition, directed to *Jacob Leyster, Lieutenant-Governour, and his Council*, wherein they must beg Forgiveness for Faults they are ignorant of their Son's being guilty of. A strange and unheard of Method to force People to pay Homage to his Person! Children must be taken from their Parents, Servants from their Masters, Husbands from their Wives, Masters from their Families, and all this on no other Account than their denying to give this Proud Usurper, *Leyster*, a Title that no way appertains or belongs to him.

And we dare this proud man to produce, if he can, any Actions against those Inhabitants he most maliciously Characterizes as *Popishly affected*, so much savouring of *POPERY* as these we charge him with, and are ready to prove against him when a convenient time and opportunity presents.

For, we pray the *unbyassed Reader*, what is the difference betwixt bloody Bishop *Bonner's* Coal-hole, and this cruel unmerciful Usurpers Dungeon and Bullet-Hole, the former being fitted and prepared for the poor *Protestants*, that would not idolize their Consecrated Wafer, this latter for the quiet Inhabitants of this their Majesties Province, who cannot in their Conscience ascribe that Honour to him which is only the Right of the KING to infer upon him, and then it's time enough for his Subjects to Obey.

The 13*th* of *January* this Usurper, *Leyster*, sends under the Command of Lieutenant *Churchill* twenty Souldiers over to *Long-Island*, the next day they came to *Jamaica*, where they in a violent manner, by force of Arms, broke open the House of Mr. *Daniel Whitehead*, one of his Majesties Justices of the Peace, appointed by our Governour Sir *Edmund Andros*, and being entred into the House, they in like manner aforesaid brake open several Chests and Boxes, but found not what they looked for, and so returned the next day without doing any more Mischief, as we yet hear of.

On the sixteenth of *January*, the publick Post, Mr. *John Perry*, setting out from the House of Colonel *Lewis Morris*, towards *Boston*, was not advanced on his way above a quarter of a Mile before he was laid hold on by Warrant from our Usurper *Leyster*, and brought back to this place, *New-York*, with his Letters, which were opened and perused at the Will and Pleasure of this Arbitrary Man, who, it's plain and evident unto all that are not wilfully blind, hath made it his Contrivance how to Ruin

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the Inhabitants, and hinder the Prosperity of this Province, ever since his taking upon him to govern by the *SWORD*, which he hath in great measure effected, by his continual Breach of the Peace, and obstructing the due Course of Law and Justice. But lest this were not sufficient, he resolves to destroy, as much as in him lies, the Commerce and Trade of this Province. A more ready way than this could not have been taken by him for that purpose, to obstruct and hinder Advice, which is acknowledged by all to be the Life of Trade; for how can this be given or received, where intercepting mens private Letters, is become so modish with our pretended Rulers, as that they are so far from counting it a Crime, as by their Actions they deem it a Virtue.

Before we draw to a Conclusion of this our Declaration and Narration, which is already swelled beyond its intended Limits, We cannot omit transcribing two other Branches of the pretended Act of Assembly, they seemingly make such a pudder about, which upon an impartial Enquiry (allowing it to be an Act binding, though that we cannot do, for the Reasons already given) these our Usurpers will be found the greatest Violaters thereof. The Branches we think fit to insert are these following, *viz.*

That no Free-man shall be taken and imprisoned, or be disseized of his Free-hold, or Liberty, or Free Customs, or be Outlaw'd, or Exiled, or any other ways destroyed; nor shall be passed upon, Adjudged or Condemned, but by the Lawful Judgment of his PEERS, and by the Law of this Province.

Justice nor Right shall be neither sold, denied, or deferred, to any man within this Province.

That in all Cases whatsoever, Bail by sufficient Surety shall be allowed and taken, unless for Treason, or Felony, plainly and especially expressed and mentioned in the Warrant of Commitment.

How far these our Usurpers Actions evince their little Regard unto the pretended Act of Assembly, except it be to that part which would bring Greast to their Mill, let the Unbyassed Judge.

This Arbitrary proud Person, *Leysler*, having thus far exalted himself above his Brethren, disdains to own his very Kindred, unless they will entitle him *Lieutenant-Governour*; nor will he free them from his Bullet-hole on any other Terms.

A plain Demonstration of this he hath given by his late carriage to Mr. *Lucas Keerstead*, who after the usual manner was forced to go to the Fort; when he came before this Usurper, he softly applies himself thus to him, *Cousen* Leysler, *What is your Will and Pleasure?* At this he flyes out in a great Rage, *How dare you call me Cousen?* Then he spoke to him

by the Name of *Captain*, but that would not do, and he was told, that if he gave him not the Title of *Lieutenant-Governour*, he would be put amongſt the Bullets. To avoid which, he gave him that Title, and then was ſuffered to go home.

It's ſtrange this Violent Man, *Leyſter*, who otherwiſe is ſo Politick, ſhould be at a ſtand, when this plain Queſtion is put to him, *Who gave you this Name?* Why doth he not anſwer, as in truth it is, *My Godfather Mr.* Milborne, *and his Aſſiant Vain Glory, together with my God-mother Ambition, who have engaged on my behalf, that I ſhould cleave to the Infernal Prince and his Works, Hug and imbrace all the Pomps and Vanities of this wicked World, and as I had hitherto been ſo, I ſhould ſtill continue a faithful Servant to that Black Prince of the Air, as long as the many Headed Beaſts, the rude Multitude, would ſtand by me.*

To Sum up all, We readily ſubmit the diciſion of this Queſtion to the Conſiderate Peruſer of the fore-going Lines, Whether thoſe branded by *Leyſter*, as *King JAMES his Men*, or himſelf and his Rude Crew, deſerve that Title Moſt?

Sure we are, that upon a ſerious peruſal of the Declaration, Entituled, *The Declaration of the Lords Spiritual and Temporal, and Commons aſſembled at* Weſtminſter, *Die Martis* 12 *Februarii*, 1689. ſeveral Articles therein exhibited againſt the late King *James*, and declared Illegal, are and have been moſt notoriouſly committed by this Uſurper and his Abettors, ſome whereof we ſhall here inſert and ſet down as in the ſaid printed Declaration, *viz.*

That levying Money for or to the uſe of the Crown, by the pretence of Prerogative, without Grant of Parliament for longer time, or in other manner than the ſame is or ſhall be granted, is Illegal.

That Exceſſive Bail ought not to be required, nor Exceſſive Fines impoſed, nor Cruel and Unreaſonable Puniſhment inflicted.

That this Arrogant Man, *Leyſter*, is palpably guilty of both theſe Branches before recited, we prove thus, *viz.*

That by his Inſtruments he hath and doth exact (by pretence of Prerogative, and for the uſe of the Crown) Cuſtoms, Impoſitions and Exciſes, never granted to the Crown; which that he might the better accompliſh, he hath taken upon him to erect a Court of Exchequer, conſtituting, as Members of the ſaid Court, *viz. Samuel Edſall, Benjamin Bragg, Johannis Proveſt, Hendrick Janſen, John Cowenhoven,* who began their Seſſions on the 20*th* of *January*; the 18*th* of the ſame Month ſeveral of the Inhabitants received Summons to appear at this unuſual Court

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on the day above ſaid, to give their Reaſons why they would not pay the Moneys they were indebted to the King for Cuſtom.

The Perſons ſo ſummoned unanimouſly made choice of Mr. *Thomas Clark* to appear for them, who went to the Fort, where this Court was ſitting, and being admitted, he firſt enquires, *Whether any there had a Commiſſion from King* William *to be Baron of his Exchequer? and if any, that his Commiſſion might be publickly read*: and afterwards proceeded to ſhew the unreaſonableneſs of their Demands; but all to little purpoſe, the Court proceeding to enter Judgment againſt the Inhabitants, for whom he appeared, only giving them eight days time to conſider, whether they would voluntarily pay their (illegal) demands, which otherwiſe would be levied upon them by Diſtreſs.

About four a Clock in the Afternoon of this day, was in ſome meaſure verified an Expreſſion our Uſurper not long ſince, was pleaſed to utter to a Perſon of good Reputation in this Province, who enquiring of him, *By what Power he did ſuch Actions?* To whom he anſwered, *That he was inveſted with ſuch a Power, as in a little time he could Command the Head of any man in the Province, and it would be forthwith brought him.* Something like hereunto was this day fulfilled; for giving Command to *William Churchill*, and ſeveral Souldiers with him, aſſiſted by ſome of the Inhabitants of this City, namely, *Abraham Brazier*, *Abraham Clomp*, *Wit Tomber*, and divers others, they go to the Houſe of Colonel *Nicholas Bayard*, and by force of Arms enter the ſame, breaking open ſeveral Doors and Locks, in order to the ſeizing of the ſaid Colonel *Bayard*, whom (as ſome of them ſaid) they were ordered to take dead or alive. Colonel *Bayard* for his own Security had left his own Houſe, and was gotten into his Neighbours, near his back-ſide, *viz.* one Mr. *Richard Elliot*, a Cooper, whoſe Houſe in like manner by *Churchill* and his Attendants, was broken open, where they laid hold of Colonel *Bayard*, and in a moſt abuſive manner dragg'd him to the Fort. In this Riotous Tumult was ſtoln out of the Houſe of the ſaid *Elliot*, three Silver Spoons.

But the unlimited Will of this Violent Rapacious Uſurper, was not yet ſatisfied with the taking and impriſoning of Colonel *Bayard*, nor his Malice thereby fully anſwered, for in like manner he vents his Fury againſt *Stephanus van Cortlandt*, late Mayor of this City, whoſe Houſe likewiſe was broken open, and moſt of his Doors and Locks ſpoiled, though they were fruſtrated of their Deſign, by his eſcaping out of their cruel Hands for that time.

Alſo, Mr. *William Nicols* was laid hold on by the men of *Breuckle* at the Ferry-houſe on *Long-Iſland*, and was brought over in the Evening and carried to the Fort.

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The next Morning the Ferry-man was in like manner brought to the Fort, where these three Subjects of their Majesties are illegally Imprisoned, and with whom how barbarously they intend to deal, Time will best discover.

We shall end this our Declaration and Protestation, Narratively set down, by naming the principal Authors of our present Miseries, which are these following, *viz.*

Jacob Leysler,	*Thomas Williams,*
Jacob Milborne,	*Benjamin Blagg,*
Samuel Edsall,	*Hendrick Jansen,*
Peter De Laney,	*Hendrick Cuyler,*
Dr. Samuel States,	*John Cowenhoven,*
Dr. Ger. Beckman of *Flackbus.*	

Against whom we wait a fair Opportunity legally to proceed. Dated in *New-York* this 21st of *January*, *Anno Domini* 1690.

F I N I S.